

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
IN RE LOWER MANHATTAN DISASTER SITE  
LITIGATION

-----X  
THIS DOCUMENT APPLIES TO ALL LOWER  
MANHATTAN DISASTER SITE LITIGATION

SEE ATTACHED "EXHIBIT A"  
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CASE No.: 21MC102 (AKH)

STIPULATION OF DISCONTINUANCE  
AS TO DEFENDANTS, B.C.R.E. 90 WEST  
ST, LLC AND THE KIBEL COMPANIES,  
ONLY.

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned for the parties in the cases listed in the attached exhibit, that whereas no party herein is an infant, incompetent person for whom a committee has been appointed or conservatee and no person not a party has an interest in the subject matter of this action and based on the representation of the within defendants, and to the extent of Plaintiff(s) can so stipulate that each claim, cross-claim and counter-claim asserted by and against Defendants B.C.R.E. 90 WEST ST, LLC and THE KIBEL COMPANIES, only as to the claims being made as to the premises located at 90 West Street, New York New York and for the cases listed in the attached exhibit shall be and the same hereby are discontinued without prejudice without costs to any party as against the other.

IT IS HEREBY STIPULATED AND AGREED, that should evidence be discovered throughout the course of the litigation which determines that B.C.R.E. 90 WEST ST, LLC and THE KIBEL COMPANIES are proper parties to this suit, that Plaintiff(s) may reinstitute the action without regard to the applicable Statute of Limitations, assuming said original action was timely commenced, and in such instance Defendants shall not assert a Statute of Limitation as a defense.

This Stipulation may be filed without further notice with the Clerk of the Court.

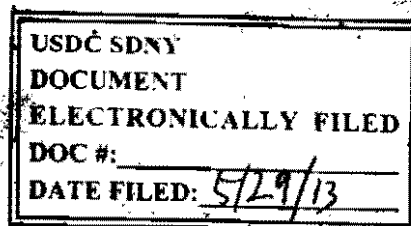
Dated: New York, New York  
May 23, 2013

McMAHON, MARTINE & GALLAGHER, LLP.  
Attorneys for Defendants B.C.R.E. 90 WEST  
ST, LLC AND THE KIBEL COMPANIES

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WORBY GRONER EDELMAN & NAPOLI  
BERN, LLP  
Attorney for Plaintiff(s)

By: [Signature]  
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350 5<sup>th</sup> Avenue, Ste 7413  
New York, NY 10118  
(212) 267-3700



SO ORDERED:

[Signature]  
Hon. Alvin K. Hellerstein

5/28/13

## EXHIBIT A

LAST NAME	FIRST NAME	INDEX #
Abdelrehim	Aly	05cv09826
Addeo	Stephen	06cv09963
Astudillo	Freddy	07cv01463
Campoza	Rodrigo	07cv04459
DiRubbo	Leo	06CV07396
DiRubbo	Nicholas	05cv01497
Dominguez	Tailor	08CV02266
Dota	Clara	07CV01602
Espinal	Robert	08CV02612
Espinoza	Carlos	08CV02615
Fares	Manuel	08CV02617
Frelre	Flavio	06cv13909
Frelas	Janina	07CV01612
Gimblet	Dennis	06CV07429
Gordon	Leroy	08CV02324
Greaney	John	07cv05410
Gusick	David	07CV05411
Inga	Jorge	07CV01629
Inga	Luis	07cv04474
Iwanczyk	Wladyslaw	07CV05362
Jara	Juan	07CV05363
Karpiuk	Janusz	08CV02327
Kerney	Ronald	08CV02641
Konopka	Antoni	07CV01641
Labate	Michael	06CV08441
Lott	Tyrone	05CV01203
Maksymets	Vitaliy	08CV02653
Medrano	Trinidad	07cv04493
Miranda	Susana	08CV02293
Naranjo	Angel	07CV00066
Naranjo	Luis	05CV10738
O'Connell	Sean	07CV05374
Papazissis	Nicholas	07CV10029
Pena	Jorge	07CV01682
Puma	Maria	07CV01688
Reynolds	David	07CV03446
Ruales	Segundo	07cv11024
Tache	Bertha	07cv01537
Tapia	Cristhian	08CV02248
Tenempagauy	Rocio	09CV03455

Toledo	Nelson	08CV02332
Toledo	Victor	08CV02723
Torres	Aida	08CV02309
Torres	Pedro	08CV02310
Uzhca	Miguel	08CV02333
Vazquez	Kattia	07cv01722
Vintimilla	Rosalia	08CV02317
Wildner	David	06cv15136
Wright	Richard	07CV05434